

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

WALTER J. MACHADO and
KATHY MACHADO,

Plaintiffs,

vs.

JEREMY WOOD, Alias John Doe and KLLM
TRANSPORT SERVICES, LLC, Alias ABC
Limited Liability Company,

Defendants.

C.A. No. 1:22-cv-00023

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant KLLM TRANSPORT SERVICES, LLC, Alias ABC Limited Liability Company (hereinafter “KLLM”), by the through its attorney, Wilson Elser Moskowitz Edelman & Dicker LLP, submit this Notice of Removal in accordance with 28 U.S.C. §§ 1332 and 1446 and respectfully state as follows:

1. The Plaintiff, Walter J. Machado and Kathy Machado, (“Plaintiffs”), filed a Summons and Complaint in the Providence Superior Court of the State of Rhode Island (the “State Court”), dated December 9, 2021, commencing an action captioned as “Walter J. Machado and Kathy Machado v. Jeremy Wood, Alias John Doe and KLLM Transport Services, LLC, Alias ABC Limited Liability Company” (the “Subject Action”). A true copy of the Summons and Complaint filed in the Subject Action is attached hereto as **Exhibit A**.

2. Upon information and belief, the Plaintiff resides in County of Providence, State of Rhode Island. See Complaint ¶ 1, **Exhibit A**.

3. On or about December 10, 2021, Defendant KLLM TRANSPORT SERVICES, LLC, received a copy of the Summons and Complaint attached hereto as **Exhibit A**.

4. Defendant KLLM, is a foreign Limited Liability Company, with a principal place of business in the State of Mississippi.

5. Upon information and belief and as alleged in the Plaintiff's Complaint the Defendant Jerry Wood is a resident of the State of Mississippi. See Complaint ¶ 2, **Exhibit A**.

6. The Plaintiffs brings this action against the Defendants for personal injuries allegedly resulting from a motor vehicle accident. See Complaint ¶ 7, **Exhibit A**.

7. Although the Summons and Complaint do not specify an amount of damages, based on the Plaintiffs' allegations that Mr. Machado sustained severe injurie of body and mind and medical expenses and loss of earning capacity and Mrs. Machado's claim for loss of consortium, and based on the Plaintiffs' pre-litigation demand well in access of \$75,000, the damages sought in this case exceed \$75,000. See Complaint ¶ 7, **Exhibit A**.

8. Pursuant to 28 U.S.C. § 1332, the U.S. District Courts have original jurisdiction over all civil actions among citizens of different States where the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs. See 28 U.S.C. § 1332(a).

9. Removal of such cases is governed by 28 U.S.C. § 1441(a) which makes clear that “[e]xcept as expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” See 28 U.S.C. § 1441(a).

10. This Court has original jurisdiction over the subject matter of this action under the provisions of 28 U.S.C. § 1332, in that there is complete diversity between the parties and more than \$75,000.00 in controversy, exclusive of interest and costs.

11. Pursuant to 28 U.S.C. § 1332, KLLM is entitled to remove the action to this Court.

12. This removal is timely as required by 28 U.S.C. § 1446(b) as it is filed within thirty (30) days of KLLM's receipt of the Plaintiffs' Summons and Complaint.

13. Upon information and belief, the Co-Defendant Jeremy Wood has not been served with the summons and complaint and therefore his consent is not required.

14. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice of Removal is being filed with the Clerk of the Court for the Superior Court of the State of Rhode Island, Providence County. See Exhibit B.

WHEREFORE, the Defendant KLLM Transport Services LLC hereby removes the action now pending in the Superior Court of the State of Rhode Island, Providence County.

Respectfully submitted,

Defendant,
KLLM TRANSPORT SERVICES, LLC,

By its Attorneys,



Dated: January 14, 2022

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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on January 14, 2022, the foregoing was filed electronically with the United State District Court for the District of Rhode Island and served by mail upon the following:

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/s/ Beata Shapiro

Beata Shapiro